

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN, Individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

JOSEPH J. DEPAOLO, ERIC HOWELL,  
FRANK SANTORA, JOSEPH SEIBERT,  
SCOTT A. SHAY, VITO SUSCA, STEPHEN  
D. WYREMSKI, and KPMG LLP,

Defendants.

Case No.: 23-cv-01921-FB-JRC

**FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR  
SIGNATURE BANK'S NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that, pursuant to the Order, dated December 5, 2023, granting the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Signature Bank ("FDIC-R") permission to intervene to file a motion to dismiss (ECF No. 74), and upon the Complaint (ECF No. 70), dated December 1, 2023, the accompanying Memorandum of Law in Support of the Motion to Dismiss, the Declaration of Donald G. Grieser, sworn to on August 30, 2023, and the exhibits thereto, and upon all papers and pleadings previously filed in this action, FDIC-R will move this Court, before the Honorable Frederic Block, United States District Judge for the Eastern District of New York, at the Theodore Roosevelt Federal Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, on a date and time to be determined by the Court, for an order granting the FDIC-R's motion to dismiss for lack of subject-matter jurisdiction and lack of prudential standing and failure to state a claim upon which relief can be granted pursuant to Rules 12(b)(1) and

12(b)(6) of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court deems just and appropriate.

December 22, 2023

**WOLLMUTH MAHER & DEUTSCH LLP**

By: /s/ Ryan A. Kane

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Signature Bank*